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UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING

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| CUSTODIA BANK, INC. | } | |
| | } | |
| Plaintiff, | } | |
| | } | |
| vs. | } | Civil No. 1:22-cv-00125-SWS |
| | } | |
| FEDERAL RESERVE BOARD OF | } | |
| GOVERNORS and FEDERAL RESERVE | } | |
| BANK OF KANSAS CITY, | } | |
| | } | |
| Defendants. | } | |

**DEFENDANTS' JOINT UNOPPOSED MOTION FOR
 LEAVE TO EACH FILE CONSOLIDATED REPLY BRIEFS AND RESPONSES TO
 THE AMICUS BRIEF BY MAY 2, 2023**

Defendant Board of Governors of the Federal Reserve System (the “Board”) and Defendant Federal Reserve Bank of Kansas City (“FRBKC” and, collectively, Defendants), by and through the undersigned counsel, hereby both respectfully move for leave to file a brief consolidating their respective reply in support of the motion to dismiss the First Amended Complaint with their response to the Brief of Amicus Curiae filed by former Senator Patrick J. Toomey. In support of this motion, Defendants state as follows:

1. On February 28, 2023, Plaintiff Custodia Bank, Inc. (“Custodia”) filed its First

Amended Complaint (ECF No. 121), in which it brought claims against the Board and FRBKC. On March 28, 2023, the Board and FRBKC separately filed motions to dismiss the First Amended Complaint (ECF Nos. 124, 126).

2. On April 7, 2023, the Court granted Custodia's unopposed motion for leave to file one omnibus opposition to Defendants' motions to dismiss instead of two separate briefs, and for that omnibus brief to be no longer than 35 pages (ECF No. 131). Custodia filed a 34-page omnibus opposition on April 11, 2023 (ECF No. 135).

3. On April 14, 2023, the Court granted Defendants' Motion for Leave to File Reply Briefs, ordering that reply briefs may be filed on or before April 25, 2023, and that the Board may file a reply brief of up to 20 pages (ECF No. 141).

4. On April 18, 2023, Senator Patrick J. Toomey filed a motion seeking leave to file an *Amicus Curiae* brief (ECF No. 146).

5. Senator Toomey's amicus brief discusses the 2023 National Defense Authorization Act ("NDAA") Amendment, which is also a subject of Defendants' motions to dismiss and Custodia's opposition (ECF No. 135 at 21-28).

6. Local Rule 7.1(b)(2)(G) affords Defendants the opportunity to respond to an amicus brief in accordance with Rule 7.1(b)(2) within 14 days after the amicus brief is filed. Under the Local Rule, responses to an amicus brief may be up to 25 pages.

7. Due to the overlapping nature of the amicus brief and Custodia's Opposition Brief, Defendants believe it would be more efficient for the Court's review to consolidate the reply and response briefs into a single brief from each Defendant.

8. Accordingly, Defendants each seek leave of the Court to file a consolidated

response to Custodia's opposition and Senator Toomey's amicus brief by May 2, 2023. While this would extend the current deadline for the reply brief by seven days, it would decrease the time allotted by the Local Rules for responses to amicus briefs and result in an overall shortening of the time by which briefing is complete.

9. The Board also asks that its consolidated response be no more than 25 pages, which is equal to the total number of pages permitted in response to amicus briefs under the Local Rules. FRBKC asks that its consolidated response be up to 15 pages, which is less than the total number of pages permitted in response to amicus briefs under the Local Rules.

10. Counsel for Defendants have met and conferred with Plaintiff's counsel regarding all of the relief requested above, and Plaintiff consents to the requested relief.

Dated: 20 April 2023.

FEDERAL RESERVE BANK OF KANSAS CITY,
Defendant

/s/ Billie LM Addleman

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CERTIFICATE OF SERVICE

I certify the foregoing *Defendants' Joint Unopposed Motion for Leave to Each File Consolidated Reply Briefs and Responses to the Amicus Brief* by May 2, 2023 was served upon all parties to this action pursuant to the Federal Rules of Civil Procedure on 20 April 2023, and that copies were served as follows:

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